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EXAMINER MUHEBBULLAH, SAJEDA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/783,932

Applicant(s)

KIKINIS ET AL.

Examiner

SAJEDA MUHEBBULLAH

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7, 9, 11, 12, 27 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 9, 11, 12, 27 and 30-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-C/3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 6/8/10

DETAILED ACTION

1. This communication is responsive to Amendment filed 05/17/2010
2. Claims 1, 3, 7, 9, 11-12, 27 and 30-41 are pending in this application. Claims 1, 3, 7, 9, 11-12, 31-33 and 35-38 have been amended. Claims 40-41 are new. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 7, 9, 11-12, 27, 30-31, 33, 35-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) in view of Etheredge (US 6,172,674).

As per claim 1, Ohkura teaches a computer-implemented method for displaying data associated with an electronic program guide, comprising:

displaying a plurality of programming content sliders, each slider having a slide knob and two ends, wherein each of the plurality of sliders corresponds to a different aspect of programming content and wherein each of the plurality of sliders is associated with a different set of content-related characteristics of broadcast programs (Fig.10, *slide knobs 100Y, 100Z*);

for each of the plurality of programming content sliders, determining a currently set value of the slider based on a position of the slider's slide knob in between the slider's ends (Fig.10, *slide knobs 100Y and 100Z currently set at "Terminator" and "All" respectively*),

displaying electronic program guide data corresponding to the currently set values of the plurality of programming content sliders, the electronic program guide data comprising a set of one or more broadcast programs having characteristics that match the currently set values of the plurality of sliders (Fig.10; *AREA Y*);

receiving user input corresponding to a move of the slide knob of a first programming content slider to a new position in between the ends of the first programming content slider (col.6, lines 26-27);

determining a changed value of the first programming content slider based on the new position of the slider knob in between the first slider's ends (col.9, lines 13-17); and

updating the displayed electronic program guide data to correspond to changed value of the first programming content slider, the updated electronic program guide data comprising a second set of one or more broadcast programs having characteristics that match the changed value of the first programming content slider (Fig.17; col.15, lines 12-25).

However, Ohkura does not teach sliders which are draggable. Etheredge teaches a method of displaying data in an electronic program guide wherein draggable slide knobs are used to filter program data (Etheredge, Fig.4, slider 234; col.21, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Etheredge's teaching with Ohkura's method to allow a user of a program guide to quickly filter a large set of information to a smaller set of information of interest to the user (Etheridge, col.1, lines 48-50)..

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, the method of Ohkura and Etheredge teaches the computer-implemented method further comprising, displaying the draggable slide knobs of each of the plurality of programming content sliders concurrently with the electronic program guide data (Ohkura, Fig.10, *slide knobs 100X1, 100X2, 100Y, 100Z*; Etheredge, Fig.4, draggable slider 234; col.21, lines 27-37).

Claim 12 is similar in scope to claim 11, and is therefore rejected under similar rationale.

As per claim 27, the method of Ohkura and Etheredge teaches wherein the electronic program guide data corresponds to television program listings (Ohkura, Fig.6).

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

As per claim 31, the method of Ohkura and Etheredge teaches the method of claim 1, wherein the first programming content slider corresponds to a genre slider with a draggable genre slide knob (Ohkura, Fig.10 (d-1); Etheredge, Fig.4, draggable slider 234; col.21, lines 27-37).

As per claim 33, the method of Ohkura and Etheredge teaches the method of claim 1, further comprising updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider (Ohkura, Fig.17; col.15, lines 12-25).

As per claim 35, the method of Ohkura and Etheredge teaches the method of claim 1, further comprising displaying the currently set values of each of the plurality of draggable slide knobs directly on the corresponding draggable slide knob (Ohkura, Fig.10, *slide knobs 100Y and*

100Z currently set at “Terminator” and “All” respectively; Etheredge, Fig.4, draggable slider 234; col.21, lines 27-37).

Claim 36 is similar in scope to claim 31, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 33, and is therefore rejected under similar rationale.

5. Claims 32, 34, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. (“Ohkura”, US 6,005,601) and Etheredge (US 6,172,674) in view of Schein et al. (“Schein”, US 6,388,714).

As per claim 32, the method of Ohkura and Etheredge teaches the method of claim 1, wherein one of the programming content sliders corresponds to one of a genre slider with a draggable genre slide knob (Ohkura, Fig.10, 100Z; Etheredge, Fig.4, draggable slider 234). However, the method does not teach the slide knob to be an actor slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on actor (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein’s teaching with the method of Ohkura and Etheredge in order to filter content based on various criteria.

As per claim 34, the method of Ohkura and Etheredge teaches the method of claim 33, wherein the first programming content slider corresponds to a genre slider (Ohkura, Fig.10, 100Z), and wherein the second programming content slider corresponds to a program slider (Ohkura, Fig.10, 100Y). However, the method does not teach the slider to be an actor slider which is updated in response to the drag of the slide knob of the genre slider to display only actor values that are associated with the changed value of the genre slider. Schein teaches a method of

displaying program content wherein content may be viewed based on actor (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Ohkura and Etheredge in order to filter content based on various criteria.

Claim 37 is similar in scope to claim 27, and is therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 34, and is therefore rejected under similar rationale.

As per claim 40, the method of Ohkura and Etheredge teaches the method of claim 1, wherein one of the programming content sliders corresponds to one of a genre slider with a draggable genre slide knob (Ohkura, Fig.10, 100Z; Etheredge, Fig.4, draggable slider 234). However, the method does not teach the slide knob to be a director slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on director (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Ohkura and Etheredge in order to filter content based on various criteria.

Claim 41 is similar in scope to claim 40, and is therefore rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed 5/17/2010 have been fully considered but they are not persuasive.

Applicant argued the following:

a) No reason to combine Ohkura and Etheridge.

b) Ohkura alone or in combination with Etheridge does not teach a plurality of programming content sliders corresponding to different aspects of programming content and comprising content-related characteristics.

c) Ohkura does not teach a genre slider with a draggable genre slide knob

d) Schein does not teach an actor slider.

The Examiner disagrees for the following reasons:

Per a), In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, it would have been obvious to combine Etheridge with Ohkura to allow a user of a program guide to quickly filter a large set of information to a smaller set of information of interest to the user (Etheridge, col.1, lines 48-50).

Per b) Ohkura clearly teaches a plurality of programming content sliders corresponding to different aspects of content (Fig.10, Fig.17; i.e. sliders 100X1 corresponds to time content and 100Z corresponds to genre content)

Per c), In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based

on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ohkura teaches the genre slider (Fig.10, 100Z) while the teaching of it being draggable is taught by Etheridge (Fig.4, slider 234; col.21, lines 27-37).

Per d) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ohkura teaches the genre slider (Fig.10, 100Z) while the teaching of it being draggable is taught by Etheridge (Fig.4, slider 234; col.21, lines 27-37) furthermore the teaching of the slider corresponding to filtering by an actor is taught by Schein (col.13, lines 15-24)

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Wednesday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached on (571) 272-7767.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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